

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**SINACA TIMES,**

Petitioner,

Civil No. 15-12645  
Honorable Terrence G. Berg

v.

**TOM WINN,**

Respondent.

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**ORDER TRANFERRING CASE TO THE UNITED STATES COURT OF  
APPEALS FOR THE SIXTH CIRCUIT**

Petitioner Sinaca Times, a Michigan state prisoner, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. For the reasons set forth below, the Court determines that this is a successive habeas corpus petition and, therefore, orders it transferred to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631<sup>1</sup> and 28 U.S.C. § 2244(b)(3)(A).

Petitioner challenges his convictions for first-degree felony murder, Mich. Comp. Laws § 750.316(b), armed robbery, Mich. Comp. Laws § 750.529, first-degree home invasion, Mich. Comp. Laws § 750.110a(2), possession of a firearm by a felon, Mich. Comp. Laws, § 750.224f, and four counts of possession of a firearm during the commission of a felony, Mich. Comp. Laws § 750.227b. In 2012, Petitioner filed a

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<sup>1</sup> 28 U.S.C. § 1631 provides, in relevant part:

Whenever a civil action is filed in a court ... and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed...

habeas corpus petition in this Court challenging the same convictions challenged in this petition. The earlier-filed petition was denied with prejudice. *See* Order Accepting and Adopting Magistrate Judge's Report and Recommendation, October 2, 2013, *Times v. Woods*, No. 2:12-cv-15550, Doc. 23.

Before a prisoner may file a habeas petition challenging a conviction that was previously the subject of a prior habeas petition, the prisoner must "move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). The Sixth Circuit Court of Appeals has not authorized Petitioner to file a successive petition in this court. When a second or successive petition for habeas corpus relief is filed in the district court without prior authorization, the district court must transfer the petition to the Court of Appeals pursuant to 28 U.S.C. § 1631. *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, the Court **ORDERS** the District Court Clerk to transfer this case to the United States Court of Appeals for the Sixth Circuit.

**SO ORDERED.**

Dated: August 21, 2015

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

### **Certificate of Service**

I hereby certify that this Order was electronically submitted on August 21, 2015, using the CM/ECF system; a copy of this Order was also mailed to the Saginaw Correctional Facility, 9625 Pierce Road, Freeland, Michigan, directed to Petitioner's attention.

s/A. Chubb  
Case Manager